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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			OSBERG, THUY THANH	
			ART UNIT	PAPER NUMBER
			2179	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/749,125	SWEDBERG ET AL.	
	Examiner	Art Unit	
	Thuy Osberg	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment filed 04/24/2007 to the original application filed 12/30/2003. **This action is made Final.**
 - A. Claims 1-28 are pending in the application.
 - B. Claims 21-23 were amended.

Claim Objection

2. **Claims 1-20 are objected of the following informalities:**

As to claims 1, a “system” is being recited; however, as disclosed by the specification, a system tends to be a computer program. The Examiner suggests changing to read, “a system stored on a tangible computer-readable medium for enabling interoperability between two graphics technologies.

As such, claims 2-11 are objected as incorporating the deficiencies of a claim upon which it depends. Appropriate correction is required.

As to claims 12, a “computer-readable medium” is being recited; however, as according to the specification sections, it intends the “medium” to include signals and/or a carrier wave. The Examiner suggests changing it to read “a tangible computer-readable medium storage encoded with instructions” and excluding the reference from the specification in regards to the wave or carrier signal.

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As such, claims 12-20 are objected as incorporating the deficiencies of a claim upon which it depends. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-6, 8-13 and 15-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gershony et al. (US Patent 6,549,218), hereinafter “Gershony”.

The Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the Applicant. Although the specified citations are representation of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. The Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the Applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

As claim 1, Gershony teaches a system for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising:

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a first graphics system configured to render window content in a first mode (fig. 3, label 350; col. 8, lines 13-15) the first graphics system being further configured to reference a first type of window using a token associated with an instance of the first type of window (fig. 3, label 340; col. 7, lines 60-64);

a second graphics system configured to render windows in a second mode (fig. 3, label 380; col. 8, lines 24-26), the second graphics system being further configured to reference a second type of window without a need for the token used by the first graphics system (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same token as depicted for the first window, to ensure the window is redirected);

and an interoperability component configured to cause a dummy token to be created for an instance of a window of the second type (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41; col. 6, lines 14-15; col. 8, lines 52-58, that using "MICROSOFT WINDOWS" to create window "CreateWindowEX ()", using known "Microsoft Component Object Model (COM) to call functions "Microsoft Windows GetDCo()" with a NULL window handle as a parameter and "CreateCompatibleBitmap()" to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call "ViewObject2::Draw () to draw (perform) a graphics related action to enhance).

As claim 2, Gershony further teaches an application program including a first window and a second window (col. 1, lines 34-37), the first window being of the first type and the second window being of the second type (col. 2, lines 47-49).

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As claim 3, Gershony further teaches the first mode comprises a compositional mode of graphics technology (col. 8, lines 24-28, that by applying special effects, is accomplished in the compositional mode).

As claim 4, Gershony further teaches the second mode comprises an immediate mode of graphics technology (col. 8, lines 13-17, that by sending the windows to the buffer is immediate mode).

As claim 5, Gershony further teaches the token comprises a window handle (fig. 4, label 410; col. 7, lines 14-17; col. 8, lines 51-54).

As claim 6, Gershony further teaches the second graphics system is configured to create a mapping from the token to a node in an internal construct used by the second graphics system to manage windows of the second type (fig. 2, label 250; col. 6, lines 67; col. 7, lines 1-12).

As claim 8, Gershony further teaches the second graphics system is further configured to create a render target for receiving rendered window content (col. 6, lines 61-67; col. 7, lines 1-13).

As claim 9, Gershony further teaches the render target resides in system memory (fig. 1, label 22; col. 6, lines 61-67).

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As claim 10, Gershony further teaches the render target resides in video memory (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line 1, that there must be video memory as described as known before and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 11, Gershony further teaches the render target records rendering commands generated for windows of the second type and that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines 13-29, that by applying the special effects to the window the final result will be displayed (played back)).

As claim 12, Gershony teaches a computer-readable medium (fig. 1, label 32) having computer executable components (col. 4, lines 65-67; col. 5, lines 1-2) for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising:

an interoperability component that interfaces with an application program (col. 2, line 67; col. 3, lines 1-4), the application program including a first window and a second window (col. 1, lines 34-37), the first window being compatible with a first graphics system that uses tokens to reference windows (fig. 3, labels 340 and 350; col. 7, lines 60-64; col. 8, lines 13-15), the second window being compatible with a second graphics system that does not rely on the tokens (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same token as depicted for the first window, to ensure the window is redirected);

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and a mock token associated with the second window, the mock token to indicate that the second window is compatible with the second graphics system (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41; col. 6, lines 14-15; col. 8, lines 52-58, that using “MICROSOFT WINDOWS” to create window “CreateWindowEX ()”, using known “Microsoft Component Object Model (COM) to call functions “Microsoft Windows GetDCo()” with a NULL window handle as a parameter and “CreateCompatibleBitmap()” to create a dummy (blank/mock) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call “ViewObject2::Draw () to draw (perform) a graphics related action to enhance).

As claim 13, Gershony further teaches a mapping, maintained by the second graphics system, from the mock token to a node in an internal construct used by the second graphics system to manage the second window (col. 9, lines 45-51, that a data structure will contain mapping linking the mock token to the node and is a key module to managing the display of windows).

As claim 15, Gershony further teaches the second graphics system is further configured to create a render target for receiving rendered window content (col. 6, lines 61-67; col. 7, lines 1-13).

As claim 16, Gershony further teaches the render target comprises a software render target (fig. 1, label 22; col. 6, lines 61-67; col. 7, line 1).

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As claim 17, Gershony further teaches the render target comprises a hardware render target (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line 1, that there must be video memory as described as known before and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 18, Gershony further teaches the render target records rendering commands generated for the second window and that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines 13-29, that by applying the special effects to the window the final result will be displayed (played back)).

As claim 19, Gershony further teaches the mock token is associated with a device context associated with the second window (col. 2, lines 11-16).

As claim 20, Gershony further teaches the device context comprises a null device context (col. 8, lines 51-53, lines 66-67; col. 9, lines 1-8, that if the function fails, the return value is null, indicating an error or an invalid HWND parameter).

As claim 21 (Currently Amended), Gershony teaches a computer-implemented method (fig. 1, labels 36, 37) for enabling interoperability between two graphics technologies (col. 2, lines 44-55), comprising:
receiving a request to create a new window (col. 2; lines 11-16);

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determining if the new window is of a type associated with an alternative graphics system (fig. 3, label 340; col. 7, lines 62-64);

if so, creating a dummy token for the new window (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41; col. 6, lines 14, 15; col. 8, lines 52-58, that using “MICROSOFT WINDOWS” to create window “CreateWindowEX ()”, after that using known “Microsoft Component Object Model (COM) to call functions “Microsoft Windows GetDCo()” with a NULL window handle as a parameter to create a blank (dummy) window bitmap in memory);

creating a new visual to be created in connection with the new window, the visual being a construct associated with the alternative graphics system (col. 8, lines 26-34; calling function “CreateCompatibleBitmap()” to make a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and calling “ViewObject2::Draw () to draw (perform) a graphics related action to enhance);

and associating the dummy token with the new visual (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same token as depicted for the first window, to ensure the window is redirected).

As claim 22 (Currently Amended), Gershony further teaches if the new window is not of the type associated with the alternative graphics system, rendering the window in accordance with a the conventional graphics system (fig. 3, labels 350, 360, 370; col. 8, lines 13-19).

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As claim 23 (Currently Amended), Gershony further teaches receiving an instruction to render display content to the new window referenced by the dummy token (col. 3, lines 8-12), looking up the new visual based on the association between the dummy token and the new visual (col. 8, lines 43-45, that applying visual effects, is only accomplished by reading/referencing the tokens), and rendering the display content to the new visual (fig. 3, labels 350, 360, 370).

As claim 24, Gershony further teaches rendering the display content to the new visual (fig. 3, labels 350, 360, 370) further comprises issuing rendering commands to a render target associated with the new visual (col. 3, lines 8-12).

As claim 25, Gershony further teaches the render target comprises a software render target (fig. 1, label 22; col. 6, lines 61-67; col. 7, line 1).

As claim 26, Gershony further teaches the render target comprises a hardware render target (fig. 1, labels 22, 47 and 48; col. 6, lines 61-67; col. 7, line 1, that there must be video memory as described as known before and image (target) can be sent to the display monitor, it must be buffered to an area of video memory).

As claim 27, Gershony further teaches the render target records rendering commands generated for the new window that are played back during composition to generate display output (col. 6, lines 61-67; col. 7, lines 1-13; col. 8, lines 13-29, that by applying the special effects to the window the final result will be displayed (played

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back)).

As **claim 28**, Gershony further teaches a computer-readable medium encoded with computer-executable instructions for performing the method of claim 21 (fig. 1, label 36; col. 5, lines 3-7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gershony in view of Lin et al. (US Patent 6,941,521), hereinafter "Lin".

As **claim 7 and 14**, Gershony the internal construct comprises a visual tree, and the node comprises a visual.

However, Lin teaches the internal construct comprises a visual tree, and the node comprises a visual (col. 3, lines 63-67; col. 4, lines 1-10). Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Gershony by

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having the internal construct comprises a visual tree, and the node comprises a visual as taught by Lin in order to describe the structure of visuals presented on the node (display device).

Response to Arguments

7. Applicant's arguments filed 04/24/2007 have been fully considered but they are not persuasive. Therefore, rejected to claims 1-28 is maintained.

a. Applicant argues in paragraph that Gershony fails to teach or suggest, as recited in claim 1, "a second graphics system configured to reference a second type of window without a need for the token used by the first graphics system".

In response, Examiner respectfully submits and is not persuaded. Gershony directly teaches "a second graphics system configured to render windows in a second mode (fig. 3, label 380; col. 8, lines 24-26), the second graphics system being further configured to reference a second type of window without a need for the token used by the first graphics system (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same token as depicted for the first window, to ensure the window is redirected). Thus, as known in the art, if the same token was used for both the first and second graphic system, the windows could not be redirected to ensure compatibility.

b. Applicant argues in paragraph that the creation of a "dummy token," but Gershony does not disclose and the Examiner does not show anything in Gershony

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analogous to a “dummy token.” In one or more implementations described in the application, the “null device context” is an example of the “dummy token”.

In response, Examiner respectfully submits and is not persuaded. Gershony teaches an interoperability component configured to cause a dummy token to be created for an instance of a window of the second type (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41; col. 6, lines 14-15; col. 8, lines 52-58, that using “MICROSOFT WINDOWS” to create window “CreateWindowEX ()”, using known “Microsoft Component Object Model (COM) to call functions “Microsoft Windows GetDCo()” with a NULL window handle as a parameter and “CreateCompatibleBitmap()” to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call “ViewObject2::Draw () to draw (perform) a graphics related action to enhance). Thus it is further known in the art that a dummy/mock token must be created to redirect the window ensuring interoperability between windows and is only temporary in nature.

c. Applicant argues in paragraph that a dummy token (e.g. null device context) is used to provide interoperability with the first and second graphics systems. Gershony does not disclose the use of a null device context used to facilitate interoperability between two graphics systems. In fact, Gershony discloses that the device context is used to read a style bit for **both** types of windows.

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In response, Examiner respectfully submits and is not persuaded. Gershony discloses and also known in the art that using “MICROSOFT WINDOWS” to create window “CreateWindowEX ()”, using known “Microsoft Component Object Model (COM) to call functions “Microsoft Windows GetDCo()” with a NULL window handle as a parameter and “CreateCompatibleBitmap()” to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call “ViewObject2::Draw () to draw (perform) a graphics related action to enhance). The creation of the bitmap in memory is a established by the style bit (token) which is set to redirect the window to the device context.

d. **Applicant argues in paragraph** that the Examiner contends that Gershony’s “style bit” is analogous to the “token” of this claim. If that is so, then Gershony fails to teach or suggest, as recited in claim 12, “the second window being compatible with a second **graphics system that does not rely on the tokens**”.

In response, Examiner respectfully submits and is not persuaded. That the style bit described by Gershony is used to redirect a window to the bitmap buffer. It is further known in the art that a style bit is used to categorize and perform a behavior such as a token whether dummy or mock token is used. That redirecting a window is a behavior accomplished by a dummy/mock token or a style bit. Furthermore a window would not need a token if it is compatible with the graphics system, which in turn would not rely upon a token or style bit.

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e **Applicant argues in paragraph** that recites the creation of a “mock token,” but Gershony does not. In one or more implementations described in the Application, the “null device context” is an example of the “mock token”.

In response, Examiner respectfully submits and is not persuaded. Gershony discloses and also known in the art that using “MICROSOFT WINDOWS” to create window “CreateWindowEX ()”, using known “Microsoft Component Object Model (COM) to call functions “Microsoft Windows GetDCo()” with a NULL window handle as a parameter and “CreateCompatibleBitmap()” to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call “ViewObject2::Draw () to draw (perform) a graphics related action to enhance). Therefore the style bit uses the same principle/concept as a token and causes a window to be redirected as known in the art.

f. **Applicant argues in paragraph [0023] that** Gershony does not disclose the use of a null device context used to facilitate interoperability between two graphics systems.

In response, Examiner respectfully submits and is not persuaded. It is well known in the art that a null device context is used as a parameter as a dummy or mock token and is imperative in the redirection of windows to ensure interoperability between two graphic systems. Furthermore there is no difference between a mock or dummy token, both meaning the same thing and being a synonym of each other.

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g. Applicant argues in paragraph [0026] that claim 21 recites the creation of a “dummy token,” but Gershony does not. In one or more implementations described in the application, the “null device context” is an example of the “dummy token”.

In response, Examiner respectfully submits and is not persuaded. Gershony discloses and also known in the art that using “MICROSOFT WINDOWS” to create window “CreateWindowEX ()”, using known “Microsoft Component Object Model (COM) to call functions “Microsoft Windows GetDCo()” with a NULL window handle as a parameter and “CreateCompatibleBitmap()” to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call “ViewObject2::Draw () to draw (perform) a graphics related action to enhance). Furthermore there is no difference between a mock or dummy token, both meaning the same thing and being a synonym of each other.

h. Applicant argues in paragraph that a dummy token (e.g., null device context) is simply used to provide interoperability with the conventional and alternative graphics systems. Gershony does not disclose the use of a null device context used to facilitate interoperability between two graphics systems. In fact, Gershony discloses that the device context is used to read a style bit for both types of windows.

In response, Examiner respectfully submits and is not persuaded. Gershony discloses and also known in the art that using “MICROSOFT WINDOWS” to create window “CreateWindowEX ()”, using known “Microsoft Component Object Model

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(COM) to call functions "Microsoft Windows GetDCo()" with a NULL window handle as a parameter and "CreateCompatibleBitmap()" to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call "ViewObject2::Draw () to draw (perform) a graphics related action to enhance). Thus the use of a null device context is used the same as a style bit, mock or dummy token, because it is a statement that is temporary in nature to ensure compatibility between systems.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Osberg whose telephone number is 571-270-1258. The examiner can normally be reached on Monday-Friday (8:30AM-5:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTO


BA HUYNH
PRIMARY EXAMINER